

Denis Applebury and Terry Nelson

Professional Land Surveyors

Land Use Planning & Design

914 U S Highway 93

Victor MT, 59875

Phone (406) 961-3267 Fax (406) 961-3567

E-mail applebury @ wildblue.net

February 6, 2009

Ravalli County Commissioners  
215 S. 4<sup>th</sup> Street  
Hamilton, MT 59840

**RECEIVED**

**FEB 06 2009**

Ravalli County Commissioners

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Dear Commissioners,

We have been working on a subdivision for Peggy Steffes since August of 2006. We have had one meeting with you concerning a variance on the Road Slope and Cul-de-sac length. At that meeting we agreed to redo the road to meet the 10% slope. During the re-engineering, Peggy Steffes asked the engineer if we could move the cul-de-sac closer to her existing driveway (a change of 85'). He redesigned it and we moved the proposed property line to the new location. Attached you will find the letter from Planning we received after this new road design was resubmitted. It states that since the cul-de-sac was moved, they believe it creates a flag lot, and therefore they want us to pay all new subdivision fees, pay for another variance, and basically start over. We contacted planning and let them know we could move the cul-de-sac back, but they said that since they had made their decision, there was nothing more to do. The only remedy they recommended was to appeal their decision to you. This subdivision has gone through several different planners and each one has come up with new stuff they wanted. It has been a very long and painful process and this final letter was unbelievable to us, our engineer, and our client. In still trying to comply with whatever planning and you tell us to do, we therefore would request a meeting with you to appeal the decision in this letter. We would be more than willing to move the property line to address the potential of a flag lot, agree to build the road through the flag lot (which is all planning is concerned with) or move the cul-de-sac back to where it was. We are just disappointed we were not contacted and given a chance to do this. Planning has let us know that they are not responsible for designing the subdivision and have simply followed the rules. My response is that if the rules are so ridiculous, they need to be changed. If you have any questions or concerns, please feel free to contact us at 961-3267.

Thank You,

Terry Nelson

cc: Peggy Steffes  
RAM Engineering  
Ravalli County Planning Department



Planning Department  
215 South 4th Street, Suite F  
Hamilton, MT 59840  
Phone 406-375-6530  
Fax 406-375-6531  
rfifrick@ravallcounty.mt.gov

OG - 09-01-44

January 29, 2009

Applebury Survey  
914 US Highway 93  
Victor, MT 59875

Dear Mr. Nelson:

At the Homestretch Lot 2, AP Public Hearing on January 8, 2009, you requested and were granted a continuation so you could revise and resubmit the application in accordance with Section 3-2-9(b) of the Ravalli County Subdivision Regulations (RCSR). The regulations require that within 5 working days the Planning Department determine whether the proposed changes are material pursuant to Section 3-2-9(d) of the RCSR.

On January 16<sup>th</sup>, Ron Uemura of RAM Engineering submitted revised road plans for Homestretch Drive on behalf of the subdivider. The revised road plans reduced the maximum road grade of Homestretch Drive from 11.5% to 10%. The 10% road grade meets maximum grade requirements as outlined in Section 5-4-4, Table B-1 of the RCSR. In order to get the road to meet the maximum 10% grade requirement and provide a smoother connection, it was shortened by approximately 85 feet. This created a problem as the road, as newly proposed, did not provide physical access to proposed Lot 2B of the subdivision. During a phone conversation with Mr. Uemura on January 20<sup>th</sup>, he stated that he had not seen the access issue while drafting the revised plans and that he would talk with you and the applicant in an effort to resolve said issue.

On January 22<sup>nd</sup> Mr. Uemura submitted a revised preliminary plat that altered the configuration of proposed Lot 2B. Based upon this amended application, the new configuration of Lot 2B appears to be a flag lot as described in Section 5-2-2(a)(7) of the RCSR. It is Staff's determination that the lot layout as submitted has been designed to avoid road construction. This determination is based on the fact that the portion of Lot 2B abutting the cul-de-sac of Homestretch Drive is approximately 10 feet wide, which does not meet the required 20-foot width for driveways as outlined by the Ravalli County Fire Council's Fire Protection Standards (Exhibit A). Additionally, it is clear from the road design submitted January 16<sup>th</sup> relative to the road design submitted January 20<sup>th</sup>, that proposed Lot 2B has been reconfigured in an effort to avoid further amendments to the road design, and therefore is designed to avoid road construction. With the determination that the design of Lot 2B creates a flag lot, which would require a variance, staff has deemed the amendment to the application as material.

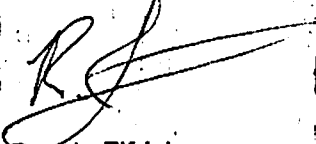
The determination that the application has been materially changed is made pursuant to Section 3-2-9(b)(iv) of the RCSR. The change in the configuration of lots (creation of flag lot) and the change of road layout (additional review of road plans by County's consulting engineer) will require significant changes to the application – most notably through a variance request – that Staff does not believe can be adequately addressed by scheduling a new public hearing. Since

the new submittal will require additional review, Staff determines that the changes to the application must be processed by following Section 3-2-9(b)(iv)(A) of the RCSR, which requires the applicant to begin the review process again, starting with element review, and will require the payment of new fees.

If you wish to appeal the Planning Department's decision to the Board of County Commissioners, please refer to Section 3-2-9(e) of the RCSR, which outlines the process.

If you have any questions regarding this determination please contact me at 375-6530 for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Fifrick', with a long horizontal stroke extending to the right.

Randy Fifrick

Cc: Peggy Steffes, 680 Homestretch Drive, Stevensville, MT 59870  
Ron Uemura  
Outgoing Correspondence file  
Subdivision File